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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,193	07/10/2001	John A. Samuels	200-007752-US (D01)	8407
2512	7590	02/23/2005	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			KNOWLIN, THJUAN P	
		ART UNIT	PAPER NUMBER	
		2642		

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/902,193	SAMUELS, JOHN A.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thjuan P Knowlin	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 10 July 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 26-59 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 26-59 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/10/01 and 08/10/01</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections – 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 26-50 and 58-59 are rejected under 35 U.S.C. 102(e) as being anticipated by Enoki et al (US 5,835,853).
2. In regards to claims 26, 40, and 58, Enoki discloses a dual mode receiver and transmitter (Fig. 8) operable to receive signals in a first mode having an associated first channel spacing, and to receive signals in a second mode having an associated second channel spacing smaller than the first channel spacing, comprising: first and second front-end RF stages for receiving a signal transmitted in the first mode and the second mode, respectively, and supplying a further signal to RF circuitry operable at an intermediate frequency common to each mode of operation (col. 1 lines 21-50 and col. 2 lines 15-45).
3. In regards to claims 27 and 41, Enoki discloses a receiver and transmitter, comprising two frequency down-conversion stages (col. 4-5 lines 43-13).

4. In regards to claims 28, 32, 37, 42, 45, 49, and 59, Enoki discloses a receiver and transmitter, wherein a synthesizer (frequency synthesizer 31) associated with one frequency down-conversion stage has a frequency resolution equal to the channel spacing associated with the received signal (col. 5 lines 16-22).

5. In regards to claims 29, 33, 38, 43, 46, and 50, Enoki discloses a receiver and transmitter, wherein a synthesizer (frequency synthesizer 32) associated with another frequency down-conversion stage has a frequency resolution wider than the channel spacing associated with the received signal (col. 5 lines 16-22).

6. In regards to claim 30, Enoki discloses a receiver, operable to convert signals received in the first mode and the second mode directly to a common intermediate frequency (col. 1 lines 21-50 and col. 2 lines 15-45).

7. In regards to claims 31, 35, 36, 44, and 48, Enoki discloses a receiver and transmitter, further comprising: a first antenna for receiving a first signal in the first mode; a filter (first filter 21) associated with the first antenna for selecting signals lying in a predetermined first frequency band; a first mixer (first mixer 18) for mixing the received first signal with a first local oscillator signal; a second antenna for receiving a second signal in the second mode; a filter (second filter 25) associated with the second antenna for selecting signals lying in a predetermined second frequency band; a second mixer (second mixer 23) for mixing the received second signal with a second local oscillator signal; a switch (switch 33) for selecting between signals received in the first mode and the second mode having as an output, the output of the first mixer or the second mixer; and a third mixer (mixer 34) for mixing the output of the switch with a

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third local oscillator signal to produce a signal suitable for base band processing (col. 1 lines 57-67, col. 4-5 lines 43-22, col. 5 lines 39-62, col. 6 lines 2-15, and col. 7 lines 37-45).

8. In regards to claims 34, 39, and 47, Enoki discloses a receiver and transmitter, wherein the first local oscillator signal is produced by a combined output of the first and the second synthesizers (col. 1 lines 51-56 and col. 5 lines 16-22).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 51-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enoki et al (US 5,835,853), in view of Young et al (US 6,324,405).

10. Enoki discloses all of claim 51 limitations, except a receiver or transmitter, operable with a terrestrial cellular communication system in the first mode. Young, however, discloses a receiver or transmitter, operable with a terrestrial cellular communication system in the first mode (col. 4 lines 46-52). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to make the receiver or transmitter operable with a terrestrial cellular communication system in the first mode, as a way of allowing the receiver or transmitter to be able to operate within a cellular communication system.

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11. Enoki discloses all of claim 52 limitations, except a receiver or transmitter, operable with a satellite communication system in the second mode. Young, however, discloses a receiver or transmitter, operable with a satellite communication system in the second mode (col. 4 lines 46-52).

12. Enoki discloses all of claim 53 limitations, except a receiver or transmitter, wherein the terrestrial cellular communication system is GSM. Young, however, discloses a receiver or transmitter, wherein the terrestrial cellular communication system is GSM (col. 1 lines 65-67, col. 8 lines 33-36, and col. 12 lines 36-41).

13. Enoki discloses all of claim 54 limitations, except a receiver or transmitter, wherein the satellite system is IRIDIUM. Young, however, discloses a receiver or transmitter, wherein the satellite system is IRIDIUM (col. 1 lines 19-21).

14. Enoki discloses all of claim 55 limitations, except a receiver or transmitter, wherein the satellite system is ICO. Young, however, discloses a receiver or transmitter, wherein the satellite system is IRIDIUM (col. 1 lines 19-21), therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention, to use ICO as the satellite system.

15. Claims 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enoki et al (US 5,835,853).

16. Enoki discloses all of claim 56 limitations, except a receiver or transmitter, wherein the first channel spacing is 200 KHz. Enoki, however, discloses a receiver or transmitter, wherein the first channel spacing is 800 MHz (col. 1 lines 8-15). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention

to use 200 KHz as the first channel spacing, as a way of providing a first channel spacing that is wider than the second channel spacing.

17. Enoki discloses all of claim 57 limitations, except a receiver or transmitter, wherein the second channel spacing is 41.67 KHz or 25 KHz. Enoki, however, discloses a receiver or transmitter, wherein the second channel spacing is 1.5 GHz (col. 1 lines 8-15).

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tigwell (US 6,021,319) teaches a remote control system having a universal transmitter capable of being programmed to match the frequency and modulation pattern of any pulse modulated remote control transmitter. Krasner (US 5,884,214) teaches a GPS receiver and method for processing GPS signals.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P Knowlin whose telephone number is (703) 308-1727. The examiner can normally be reached on Mon-Fri 8:00-4:30pm.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703)305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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